

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte TINKU ACHARYA,  
PRABIR K. BISWAS and NILOY J. MITRA

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Appeal No. 2005-2086  
Application No. 09/722,988

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ON BRIEF

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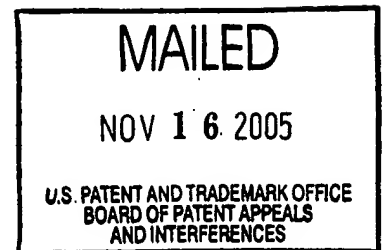
Before HAIRSTON, SAADAT, and MACDONALD, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 30.

The disclosed invention relates to a method and system for determining a characteristic of error data. Based upon the characteristic of the error data, a determination is made whether to use the error data to indicate motion of an image.



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Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method comprising:  
providing error data to indicate motion in an image;  
determining a characteristic of the error data; and  
based on said characteristic, determining whether to use  
said error data to indicate motion in an image.

The references relied on by the examiner are:

Lee et al. (Lee)	6,351,491	Feb. 26, 2002 (filed Jun. 15, 2000)
Van der Auwera et al. (Van der Auwera)	6,532,265	Mar. 11, 2003 (filed Mar. 24, 2000)

Claims 1, 3 through 7, 10, 12 through 16, 19, 21 through 25, 28 and 30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Van der Auwera.

Claims 2, 8, 9, 11, 17, 18, 20, 26, 27 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Van der Auwera and Lee.

Reference is made to the briefs and the answer for the respective positions of the appellants and the examiner.

#### OPINION

We have carefully considered the entire record before us, and we will reverse the anticipation rejection of claims 1, 3 through 7, 10, 12 through 16, 19, 21 through 25, 28 and 30, and

reverse the obviousness rejection of claims 2, 8, 9, 11, 17, 18, 20, 26, 27 and 29.

Anticipation is established when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of the claimed invention. RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984).

Appellants argue inter alia (brief, pages 18 and 19) that "the Van der Auwera reference simply discloses providing error data as a selective adder or subtracter," and that error data is not selectively used in Van der Auwera based upon a characteristic of the error data.

We agree with the appellants' arguments. In Van der Auwera (Figure 11; column 6, line 65 through column 7, line 28), the two circuits 90 and 100 determine two estimation error norms (i.e., a sum of pixel values and a difference of pixel values) based upon the input video signal from wavelet transform circuit 10 and the reference video signal from buffer 60. The motion compensation circuit 80 uses the two estimation error norms to derive an error video frame. The error video frame is "either the difference between or the sum of the motion compensated block of the

reference video frame and the block of the video frame under consideration" (column 7, lines 6 through 9). The error data in the form of either a sum or difference value is always used in Van der Auwera to determine motion in an image. Stated differently, a determination is not made in Van der Auwera whether to use the error data based upon some characteristic of the error data as required by all of the claims on appeal. Thus, the anticipation rejection of claims 1, 3 through 7, 10, 12 through 16, 19, 21 through 25, 28 and 30 is reversed because Van der Auwera fails to disclose each and every limitation of the claims on appeal.


The obviousness rejection of claims 2, 8, 9, 11, 17, 18, 20, 26, 27 and 29 is reversed because Lee fails to cure the noted shortcomings in the teachings of Van der Auwera.

#### DECISION

The decision of the examiner rejecting claims 1, 3 through 7, 10, 12 through 16, 19, 21 through 25, 28 and 30 under 35 U.S.C. § 102(e) is reversed, and the decision of the examiner rejecting claims 2, 8, 9, 11, 17, 18, 20, 26, 27 and 29 under 35 U.S.C. § 103(a) is reversed.

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REVERSED

  
KENNETH W. HAIRSTON

KENNETH W. HAIRSTON  
Administrative Patent Judge

Mahshid D. Qaderat

MAHSHID D. SAADAT  
Administrative Patent Judge

BOARD OF PATENT  
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